

\*\*\*\*\* AMENDED AGENDA \*\*\*\*\*

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KAUAI PLANNING COMMISSION

REGULAR MEETING '16 SEP 21 A8:13

Tuesday, September 27, 2016

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

9:00 a.m. or Soon Thereafter  
Lihu'e Civic Center, Moikeha Building  
Meeting Room 2A-2B  
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

SWEARING IN OF NEW COMMISSIONER

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPOINTMENT OF SUBDIVISION COMMITTEE CHAIRPERSON, VICE CHAIRPERSON AND COMMITTEE MEMBERS
- D. APPROVAL OF AGENDA
- E. MINUTES of the meeting(s) of the Planning Commission
  - 1. Regular Meeting of August 23, 2016
- F. RECEIPT OF ITEMS FOR THE RECORD
- G. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

**G. HEARINGS AND PUBLIC COMMENT (Cont'd)**

**1. Continued Agency Hearing**

- a. Special Permit SP-2016-4 to operate a transient vacation rental in Kilauea, located on Kauapea Road, approx. 1,300 ft. from the Kauapea Road and Kilauea Road intersection, identified as Tax Map Key 5-2-004:064, and affecting a portion of 7.418 acres = *Lee Unkrich and Laura Century Family Trust*. [Hearing deferred 6/28/16.]
  1. Letter (8/10/16) from Daniel G. Hempey & Michelle Premeau, Attorneys for Moa Lemu LLC and Lee Unkrich and Laura Century Family Living Trust and Terence J. O'Toole & Mateo Caballero, Attorneys for Dolphin House Estates, LLC and Lawrence Devine, respectfully requesting that all pending proceedings in this matter be continued to the first hearing of the Planning Commission in January 2017 to allow applicant, Lee Unkrich and Laura Century Family Living Trust and the objecting parties, Dolphin House Estates, LLC and Lawrence Devine, to pursue mediation in an attempt to resolve various disputes before the Commission.

**2. New Agency Hearing (NONE)**

**3. Continued Public Hearing (NONE)**

**H. CONSENT CALENDAR**

**1. Status Reports (NONE)**

**2. Director's Report(s) for Project(s) Scheduled for Agency Hearing, (NONE)**

**I. EXECUTIVE SESSION**

1. Pursuant to Hawaii Revised Statutes Sections 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with County's legal counsel on questions, issues, status and procedural matters. This consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Commission and the County as they relate to Civil No. 12-0065 SOM-KSC, US District Court Hawaii, Special Management Area Use Permit SMA(U)-2006-4, Project Development Use Permit P.D. U-2006-6 and Class IV Zoning Permit Z-IV-2006-9, Tax Map Keys 4-3-2:15, 16 and 20, Waipouli, Kauai = *Coconut Beach Development, LLC*.

**J. GENERAL BUSINESS MATTERS**

1. Planning Director Michael A. Dahilig's Petition to Modify or Revoke Applicant Coco Palms Hui, LLC's Permits and Issue and Order to Show Cause and Set Hearing; Memorandum in Support of Petition; Declaration of Michael A. Dahilig; Notice of Meeting; Certificate of Service for Class IV Zoning Permit Z-IV-2015-8, Project Development Use Permit P.D. U-2015-7, Variance Permit V-2015-1 and Special Management Area Use Permit SMA(U)-2015-6 = *Coco Palms Hui, LLC*.
  - a. Status Report including Investigative Report.
  - b. Set Hearing Date  
[Deferred 2/23/16, deferred 4/26/16, deferred 5/24/16, 6/28/16.]
  - c. Stipulation for Dismissal Without Prejudice of All Claims and All Parties Re: Planning Director Michael A. Dahilig's Petition to Modify or Revoke Applicant Coco Palms Hui, LLC's Permits and Issue an Order to Show Cause and Set Hearing, Filed January 28, 2016; Order (9/19/16) from Michael L. Lam and Jon M. Pang, Attorneys for Coco Palms Hui, LLC.

**K. COMMUNICATION (For Action)**

**L. COMMITTEE REPORTS**

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached). **(NONE)**

**M. UNFINISHED BUSINESS (For Action)**

**N. NEW BUSINESS**

1. **For Action – See Agenda G for Project Descriptions**

**O. ANNOUNCEMENTS**

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, October 11, 2016.**

**P. ADJOURNMENT**

**EXECUTIVE SESSION:** The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

**NOTE:** Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

September 27, 2016

SHORELINE SETBACK DETERMINATIONS

<b>Application No.</b>	<b>Name of Applicant(s)</b>	<b>Property I.D. (Tax Map Key)</b>	<b>Location</b>	<b>Reasons</b>
SSD-2017-11	Walter & Ann Louie	4-5-013:020	Kapaa	Fencing
SSD-2017-12	Robert J. Katz & Leola Lapidis	1-3-001:102	Kekaha	Storage/ Workshop
SSD-2017-13	Anthony Sutton	5-5-001:042	Hanalei	Residence and Gazebo
SSD-2017-14	Scott Sloan	5-5-002:003	Hanalei	Residence